

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

Case No. 20-cv-982-pp

v.

ADAM B. ROTH, DALE POPANDA,
GILANE POPANDA, and
ESTATE OF DOMINIQUE A. ROTH,
by Special Administrator DeAnndra Schmocker

Defendants.

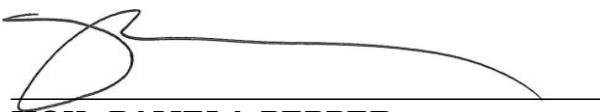
**ORDER GRANTING PLAINTIFF'S MOTION TO SUBSTITUTE PARTY AND
SUGGESTION OF DEATH (DKT. NO. 25)**

On February 4, 2021, the plaintiff filed a motion to substitute party and suggestion of death under Rule 25 of the Federal Rules of Civil Procedure. Dkt. No. 25. The plaintiff explains that Dale Popanda died on November 4, 2020, id. at 1, 5, without a will, id. at 2, 6, and that Gilane, Dale's wife, is the sole heir and successor of Dale's estate, id. Under Rule 25(a)(1), the court may substitute a proper party if the existing party dies and the claim is not extinguished. Fed. R. Civ. P. 25(a)(1). The plaintiff filed the motion within ninety days of the date of death as required by Rule 25(a)(1) and Gilane Popanda appears to be the proper party because all of Dale's children also are children of Gilane. Wis. Stat. §852.01 (estate passes to the spouse if the surviving issue are all issue of the surviving spouse).

The court **GRANTS** the plaintiff's motion to substitute party. Dkt. No. 25. The court **SUBSTITUTES** defendant Gilane Popanda as Dale Popanda's successor. The court **DIRECTS** the Clerk of Court to revise the docket to reflect that Gilane Popanda will be appearing individually and as the successor of Dale Popanda.

Dated in Milwaukee, Wisconsin this 12th day of March, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge